

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 MJ 1369

08 MAY - 1 AM 11:43

UNITED STATES OF AMERICA,

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION OF:

DEPUTY

v.

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

Elias CARDENAS-Rincon,

Defendant

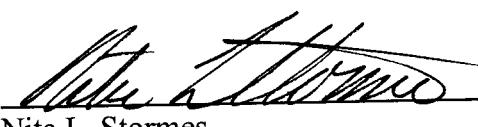
The undersigned complainant, being duly sworn, states:

On or about **April 30, 2008** within the Southern District of California, defendant, **Elias CARDENAS-Rincon**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1<sup>st</sup> DAY OF MAY, 2008

  
 Nita L. Stormes  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Elias CARDENAS-Rincon****PROBABLE CAUSE STATEMENT**

On April 30, 2008, Supervisory Border Patrol Agent J. Anderson was performing line watch operations near Jacumba, California. This area is located approximately twenty five miles east of the Tecate, California, Port of Entry, and approximately one mile north of the United States/Mexico International Border.

At approximately 1:30 A.M., Border Patrol Agent Bouchard, who was operating an infrared scope, informed Agent Anderson of seven individuals walking near his location. Agent Anderson responded to the area and located the group. He identified himself as a United States Border Patrol Agent. He then conducted an immigration inspection. All seven, including one later identified as the defendant **Elias CARDENAS-Rincon**, admitted to being citizens and nationals of Mexico without any immigration documents to be present in the United States legally. All seven individuals were arrested and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 5, 2005** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.